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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOLIDAY SYSTEMS INTERNATIONAL OF
NEVADA, d/b/a HOLIDAY SYSTEMS
INTERNATIONAL, a Nevada corporation,

Plaintiff,

v.

VIVARELLI, SCHWARZ AND ASSOCIATES,
S.A. de C.V., a Mexican corporation; RESORT
SOLUTIONS INC., a Virginia corporation;
ROYAL ELITE VACATIONS, LLC, a Virginia
limited liability company; ROYALE ELITE
EXCHANGES LLC, a Virginia limited liability
company; and AARON SCHWARZ, an
individual,

Defendants.

CASE NO.: 2:10-cv-00471-MMD-(GWF)

**AMENDED ~~(PROPOSED)~~ DEFAULT
JUDGMENT AGAINST DEFENDANT
VIVARELLI, SCHWARZ AND
ASSOCIATES, S.A. DE C.V.**

THIS MATTER having come before the Court pursuant to Plaintiff Holiday Systems of Nevada's ("HSI") Application for Default Judgment Against Defendant Vivarelli, Schwarz & Associates, S.A. de C.V. (the "VSA Application") (Dkt. No. 94), and the Court having reviewed the pleadings and papers submitted in support thereof and having granted the VSA Application in its entirety (*see* Dkt. No. 99), now, therefore,

It is hereby ORDERED, ADJUDGED and DECREED that judgment is entered against Defendant Vivarelli, Schwarz & Associates, S.A. de C.V. ("VSA") as follows:

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1. HSI shall recover statutory, actual, special and consequential damages against VSA in the amount of **\$286,081.73**, consisting of the following:
 - a. Pursuant to 15 U.S.C. § 1117(c)(1), HSI is hereby awarded statutory damages against VSA in the amount of \$100,000.00 for VSA's violations of 15 U.S.C. § 1114, which shall bear prejudgment interest at the statutory allowance of 28 U.S.C. § 1961 as set forth below; and
 - b. HSI is hereby awarded actual, special and consequential damages against VSA in the total amount of \$186,081.73 for VSA's breach of contract and breach of the covenant of good faith and fair dealing, which shall bear prejudgment interest at the statutory allowance of N.R.S. § 17.130 as set forth below.
2. HSI is hereby awarded attorneys' fees incurred in the prosecution of this action against VSA in the amount of \$76,146.21, pursuant to the terms of the Sales Agreement at issue in this action and 15 U.S.C. § 1117(a).
3. HSI is hereby awarded its costs incurred in the prosecution of this action in the amount of \$9,070.52, jointly and severally with Defendant Aaron Schwarz, as set forth in the Bill of Costs filed by HSI pursuant to LR 54-1, the terms of the Sales Agreement at issue in this action, and 15 U.S.C. § 1117(a).
4. HSI is awarded prejudgment statutory interest in the amount of \$38,212.87, pursuant to 28 U.S.C. § 1961 and N.R.S. § 17.130.¹
5. HSI shall recover the aggregate judgment amount of \$409,511.33 against VSA, as denoted in Paragraphs 1 – 4 above.

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¹ The calculation of prejudgment interest pursuant to 28 U.S.C. § 1961 and N.R.S. § 17.130 is made through January 31, 2014 for the damages awarded to HSI under federal law and state law (Paragraphs 1(a) and 1(b) above), respectively.

1 6. HSI is awarded post-judgment interest pursuant to 28 U.S.C. § 1961.

2 IT IS SO ORDERED.

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4 DATED this _ 2nd day of February, 2014.

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7 UNITED STATES DISTRICT JUDGE